

**CHAPTER 2
AIRPORT REGULATIONS AND FEES**

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8-2-1: **COMMERCIAL OPERATIONS:** Any person who conducts any commercial operation from or upon the Idaho Falls Regional Airport, without having entered into a written lease or contract with the City, is guilty of a misdemeanor. The Council may by resolution adopted in accordance with Section 8-2-4 of this Chapter, establish regulations defining a "commercial operation" for the purposes of this Section. (Ord. 3003, 04-23-15)

8-2-2: **COMMERCIAL AIRCRAFT:** Any person who operates any aircraft for commercial purposes, from the Idaho Falls Regional Airport without having obtained a permit therefor from the City, is guilty of a misdemeanor. The Council may by resolution adopted in accordance with Section 8-2-4 of this Chapter establish regulations defining the term "commercial purposes" as used in this Section. (Ord. 3003, 04-23-15)

8-2-3: **LANDING FEES - COMMERCIAL AIRCRAFT:** Any person who operates an aircraft for commercial purposes and who lands the aircraft at the Idaho Falls Regional Airport shall be charged a landing fee in an amount set from time to time by Resolution of the Council for each aircraft landing. Any person who fails to pay such fee prior to takeoff or within twenty-four (24) hours after landing, whichever is sooner, shall be guilty of a misdemeanor, provided, however, any person regularly operating an aircraft for commercial purposes may enter into a contract with the City to pay such fees on a monthly basis, notwithstanding the time frames set forth herein. Each person obligated to pay a landing fee on a monthly basis shall deliver a certified report of the amount of the fees due the preceding month at the time the fees are paid. (Ord. 2346, 9-9-99; Ord. 2964, 8-14-14; Ord. 3003, 04-23-15)

8-2-4: **RULES AND REGULATIONS:** The Council may adopt reasonable operational rules and regulations for the operation of aircraft from the Airport, which rules and regulations shall be continuously posted in a conspicuous place at the Airport. Such regulations shall also be published in pamphlet form and shall be distributed free of charge to all persons requesting the same.

8-2-5: PURPOSE OF FUEL FLOWAGE FEES: The City Council finds and declares as follows:

(A) The City provides and maintains runways, taxiways, ramps, lights and runway lighting systems at the Airport and such services as runway, taxiway and lamp snow removal for all aircraft operating to or from, or otherwise using, the Idaho Falls Regional Airport, which facilities and services are funded in part by ad valorem property taxes, and

(B) Commercial aircraft operating to or from, or otherwise using, the Airport currently pay landing fees that defray a portion of the cost of providing such facilities, and

(C) General aviation aircraft currently use or benefit from such facilities and services, but do not pay landing fees;

(D) It is inequitable to fund the entire cost of providing and maintaining such facilities and services solely from revenues derived from ad valorem property taxes and commercial landing fees, and

(E) The need for such facilities and services and the cost of providing and maintaining the same are proportional to the size of the aircraft using the Airport and the frequency with which such aircraft use the Airport, and

(F) The fuel requirements of aircraft using the Airport are also proportional to the size of such aircraft and the frequency with which they use the Airport, and

(G) General aviation aircraft operating to or from, or otherwise using, the Airport require and use facilities and services provided and maintained by the City and such general aviation aircraft should therefor pay a portion of the cost thereof, and

(H) The City has the authority pursuant to Idaho Code Section 63-2201A to impose and cause to be collected fees for services which would otherwise be funded by ad valorem tax revenues. (Ord. 3003, 04-23-15)

8-2-6: DEFINITIONS: The following words and phrases shall have the meaning defined herein:

AIRPORT: The Idaho Falls Regional Airport (or “IFRA” or the “Airport” and formally known as “Fanning Field” or “Idaho Falls Municipal Airport”.)

COMMERCIAL AIRCRAFT: All commercially-owned aircraft which operate to or from or otherwise use, the Airport under contract with the City pursuant to which they pay commercial landing fees for their use of the Airport.

GENERAL AVIATION AIRCRAFT: All aircraft of any kind or nature which operate to or from, or otherwise use, the Airport, other than commercial aircraft.

8-2-7: ASSESSMENT OF FUEL FLOWAGE FEE: A fuel flowage fee shall be assessed upon each general aviation aircraft operating to or from, or otherwise using, the Airport and into which aviation fuel is dispensed at the Airport. The amount of the fuel flowage fee shall be in an amount as set from time to time by Resolution of the Council. (Ord. 2346, 9-9-99; Ord. 2964, 8-14-14)

8-2-8: COLLECTION OF FUEL FLOWAGE FEE: The fuel flowage fee shall be paid by the owner or operator of the aircraft into which the aviation fuel is dispensed at the time the fuel is dispensed and shall be collected by the fixed base operator or other person or entity dispensing the fuel. Fixed base operators or any other persons or entities who collect fuel flowage fees shall remit within five (5) days after the end of each calendar month all fuel flowage fees collected during said month to the Director of the Airport . All fixed base operators or other persons or entities dispensing fuel at the Airport shall, within five (5) days after the end of each calendar month, furnish to the Director a statement indicating the total number of gallons of fuel dispensed during the month to all aircraft, the total number of gallons of fuel dispensed to general aviation aircraft and the total amount of fuel flowage fees collected. (Ord. 3003, 04-23-15)

8-2-9: FAILURE TO COLLECT FUEL FLOWAGE FEE: It is unlawful for any person or entity to:

(A) Dispense any aviation fuel to any general aviation aircraft upon the Airport without collecting the fuel flowage fee assessed by this Chapter;

(B) Fail to remit the fuel flowage fees to the Director of the Airport as required by this Chapter;

(C) Fail to deposit amounts collected as fuel flowage fees in a separate bank account within two (2) business days following the date of the collection thereof;

(D) Commingle any amounts collected as fuel flowage fees with any other moneys or accounts of the person or entity collecting such fees;

(E) Use, apply or divert any amounts collected as fuel flowage fees with any other moneys or accounts of the person or entity collecting such fees;

(F) Fail to keep complete, accurate and truthful records which show the amount of aviation fuel sold at or upon the Airport, the amount of aviation fuel dispensed to general aviation aircraft and the amounts collected as fuel flowage fees, or to refuse to permit any authorized representatives of the City to inspect such records upon request during the normal hours of business operation;

(G) Submit to the Director of the Airport any report or statement regarding fuel flowage fees with knowledge the same is inaccurate, incomplete or untruthful. (Ord. 3003, 04-23-15)

8-2-10: FUEL FLOWAGE FEES FUND: A Fuel Flowage Fees Fund is hereby established into which shall be deposited all revenues derived from the payment of fuel flowage fees pursuant to this Chapter. All revenues deposited into the Fuel Flowage Fees Fund shall be disbursed only for the purposes set forth in Section 8-2-11 of this Chapter, when authorized by the City Council.

8-2-11: DISBURSEMENT OF FUNDS: Disbursement may be made from the Fuel Flowage Fees Fund only for the following purposes:

(A) The improvement and maintenance of all runways, taxiways, ramps, lights and runway lighting systems at the Airport; and

(B) Removal of snow and ice from the runways, taxiways and ramps at the Airport; and

(C) The construction, improvement and maintenance of such other facilities and such other facilities and other services at the Airport as are deemed by the City Council to be necessary for the operation of aircraft to and from the Airport and which are of direct benefit to general aviation aircraft.

